Montana Legislative History

Chapter: 193 Session L: 1979
Bill Number: House Bill392

Checklist of Bill History

History and Final Status Sheet	x
Introduced Bill	X
Fiscal Note	N/A
Third Reading Bill	X
Final Version of Bill	X

House

Committee:
Local Government

Hearing Date(s):
February 7, 1979

February 14, 1979 (Executive Action)

Senate

Committee:
Local Government

Hearing Date(s):
March 6, 1979 (Hearing and Executive Action)

Conference Committee

Hearing Date(s): n/a

Compiler Notes

Compiled by:

Sonia Gavin

Date:

May 13, 2024

(2) two official members *who reside within the city limits* to be appointed by the city council, who may in the discretion of the city council be employed by or hold public office in the city;

(3) two citizen members *who reside within the city limits* to be appointed by the mayor of the city;

(4) two citizen members *who reside within the jurisdictional area of the city-county planning board* to be appointed by the board of county commissioners;

(5) the ninth member to be selected by the eight officers and citizen members hereinabove provided for with the consent and approval of the board of county commissioners and the city council."

Approved March 21, 1979.

CHAPTER NO. 193

AN ACT TO CLARIFY THE RELATIONSHIP BETWEEN VOLUNTARY FIRE DISTRICTS AND FIRE DEPARTMENTS AND CITY-COUNTY CONSOLIDATED LOCAL GOVERNMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, confusion has arisen concerning the proper status of prior existing fire districts and fire companies following the formation of a city-county consolidated government with self-government powers; and

WHEREAS, the legislature wishes to clarify this situation with the clear understanding that the substance of the law is not changed; and

WHEREAS, Title 7, chapter 33, part 41, requires municipalities to provide fire services under that part; and

WHEREAS, and city-county consolidated government is neither a county government nor a municipality but under 7-3-1103 has the status of both; and

WHEREAS, this combined status allows the people of the local area to choose the most desirable means to provide local services, including fire services, within reasonable limits of interpreting applicable state law and so long as vested rights are not unreasonably abrogated; and

WHEREAS, the legislature finds that a local government charter that maintains rural fire services organizations as they were prior to consolidation is a reasonable interpretation of those laws; and

WHEREAS, to provide the desirable ratification of any existing charter interpretation to this effect and to clarify the application of such charters in the future,

THEREFORE, it is the purpose of this act to clarify the law on this point without establishing a presumption that the law is in any way substantively altered.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Volunteer fire districts or companies — fire departments — not affected by city-county consolidation.** (1) Notwithstanding any other provision of law, the adoption of a city-county consolidated local government has no effect on the existence of a volunteer fire department, a volunteer fire company, or a fire district created and legally in existence pursuant to the provisions of parts 21 and 23 of chapter 33 unless otherwise specifically provided by charter.

(2) No right or benefit of any member of a volunteer fire district, company, or department created pursuant to the provisions of parts 21 and 23 of chapter 33 in a retirement or pension plan, or payments provided under 19-12-103 may be abrogated by the adoption of a city-county consolidated local government unless otherwise specifically provided by charter.

Section 2. **Effective date.** This act is effective on its passage and approval.

Approved March 21, 1979.

CHAPTER NO. 194

AN ACT TO AMEND SECTION 7-14-2201, MCA, PROVIDING THAT COUNTIES ARE REQUIRED TO MAINTAIN ONLY PUBLIC BRIDGES LOCATED IN TOWNS OR CITIES OR ON MAINTAINED COUNTY ROADS.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 7-14-2201, MCA, is amended to read:

"7-14-2201. Maintenance and control of bridges. (1) Each board of county commissioners shall maintain all public bridges other than those maintained by the department of highways.

(2) The board shall manage and control all bridges referred to in this part. It shall direct the method and time of making repairs, planking, replanking, paving, and repaving.

(3) (a) Whenever any bridge needs repair or becomes dangerous for the passage of vehicles or persons, the board, or the county surveyor if he is in charge, shall repair the bridge upon being notified thereof.

(b) Nothing in this subsection shall be construed as holding the board or any member responsible or liable for anything other than willful, intentional neglect or failure to act.

CHAPTER NO. 193

HOUSE BILL NO. 392

INTRODUCED BY McBRIDE, QUILICI, MANNING, HARRINGTON, COONEY, PAVLOVICH, DAILY, KANDUCH

IN THE HOUSE

January 24, 1979	Introduced and referred to Committee on Local Government.
February 15, 1979	Committee recommend bill do pass as amended. Report adopted.
February 16, 1979	Printed and placed on members' desks.
February 17, 1979	Motion pass consideration.
	On motion taken from second reading and referred to Committee on Local Government.
February 19, 1979	Committee recommend bill do pass as amended. Report adopted.
February 21, 1979	Printed and placed on members' desks.
February 22, 1979	Second reading, do pass as amended.
	Correctly engrossed.
February 23, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Local Government.
March 6, 1979	Committee recommend bill be concurred in. Report adopted.
March 8, 1979	Second reading, concurred in.
March 10, 1979	Third reading, concurred in.

IN THE HOUSE

March 12, 1979

Returned from second house. Concurred in. Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 392

INTRODUCED BY McBride Lenkin Manning Harrington Cooley Larson Daily Kaufman

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE RELATIONSHIP BETWEEN VOLUNTARY FIRE DISTRICTS AND FIRE DEPARTMENTS AND CITY-COUNTY CONSOLIDATED LOCAL GOVERNMENTS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Voluntary fire districts — fire departments — not effected by city-county consolidation. (1) Notwithstanding any other provision of law, the adoption of a consolidated county municipal government has no effect on the existence, rights, or duties of a voluntary fire department or a fire district created and legally in existence pursuant to the provisions of parts 21 and 23 of chapter 33.

(2) Nothing in this part may be construed to prohibit the creation of voluntary fire departments or fire districts pursuant to the provisions of parts 21 and 23 of chapter 33 within consolidated county municipalities.

(3) Voluntary fire departments or fire districts within consolidated county municipalities may only be organized, created, supported, financed, dissolved, and managed as provided in parts 21 and 23 of chapter 33.

(4) The boundaries of fire districts or departments

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may not be changed except as authorized by parts 21 and 23 of chapter 33.

(5) Voluntary fire districts and fire departments may enter mutual aid agreements as provided by 7-33-2108.

Section 2. Codification. Section 1 is intended to be codified as an integral part of Title 7, chapter 3, part 11, and the provisions of Title 7 apply to section 1.

-End-

Approved by Comm.
on Local Government

HOUSE BILL NO. 392

INTRODUCED BY McBRIDE, QUILICI, MANNING, HARRINGTON, COONEY, PAVLOVICH, DAILY, KANDUCH

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE RELATIONSHIP BETWEEN VOLUNTARY FIRE DISTRICTS AND FIRE DEPARTMENTS AND CITY-COUNTY CONSOLIDATED LOCAL GOVERNMENTS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Voluntary fire districts -- fire departments -- not effected by city-county consolidation. (1) Notwithstanding any other provision of law, the adoption of a consolidated ~~county-municipal~~ LOCAL government has no effect on the existence, rights, or duties of a voluntary fire department or a fire district created and legally in existence pursuant to the provisions of parts 21 and 23 of chapter 33.

(2) Nothing in this part may be construed to prohibit the creation of voluntary fire departments or fire districts pursuant to the provisions of parts 21 and 23 of chapter 33 within consolidated ~~county-municipalities~~ LOCAL GOVERNMENTS.

(3) Voluntary fire departments or fire districts within consolidated ~~county-municipalities~~ LOCAL GOVERNMENTS may only be organized, created, supported, financed, dissolved, and managed as provided in parts 21 and 23 of chapter 33.

(4) The boundaries of fire districts or departments may not be changed except as authorized by parts 21 and 23 of chapter 33.

(5) Voluntary fire districts and fire departments may enter mutual aid agreements as provided by 7-33-2108.

Section 2. Codification. Section 1 is intended to be codified as an integral part of Title 7, chapter 3, part 11, and the provisions of Title 7 apply to section 1.

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Approved by Comm.
on Local Government

HOUSE BILL NO. 392

INTRODUCED BY McBRIDE, QUILICI, MANNING, HARRINGTON, COONEY, PAVLOVICH, DAILY, KANOUCH

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE RELATIONSHIP BETWEEN VOLUNTARY FIRE DISTRICTS AND FIRE DEPARTMENTS AND CITY-COUNTY CONSOLIDATED LOCAL GOVERNMENTS."

Refer to Second Reading

(Strike everything after the title and insert:)

WHEREAS, confusion has arisen concerning the proper status of prior existing fire districts and fire companies following the formation of a city-county consolidated government with self-government powers; and

WHEREAS, the legislature wishes to clarify this situation with the clear understanding that the substance of the law is not changed; and

WHEREAS, Title 7, chapter 33, part 41, requires municipalities to provide fire services under that part; and

WHEREAS, and city-county consolidated government is neither a county government nor a municipality but under 7-3-1103 has the status of both; and

WHEREAS, this combined status allows the people of the local area to choose the most desirable means to provide local services, including fire services, within reasonable limits of interpreting applicable state law and so long as vested rights are not unreasonably abrogated; and

WHEREAS, the legislature finds that a local government charter that maintains rural fire services organizations as they were prior to consolidation is a reasonable interpretation of those laws; and

WHEREAS, to provide the desirable ratification of any existing charter interpretation to this effect and to clarify the application of such charters in the future,

THEREFORE, it is the purpose of this act to clarify the law on this point without establishing a presumption that the law is in any way substantively altered.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Volunteer fire districts or companies -- fire departments -- not affected by city-county consolidation. (1) Notwithstanding any other provision of law, the adoption of a city-county consolidated local government has no effect on the existence of a volunteer fire department, a volunteer fire company, or a fire district created and legally in existence pursuant to the provisions of parts 21 and 23 of chapter 33 unless otherwise specifically provided by charter.

(2) No right or benefit of any member of a volunteer fire district, company, or department created pursuant to

SECOND READING

the provisions of parts 21 and 23 of chapter 33 in a retirement or pension plan, or payments provided under 19-12-103 may be abrogated by the adoption of a city-county consolidated local government unless otherwise specifically provided by charter.

-END-

HOUSE BILL NO. 392

INTRODUCED BY McBRIDE, QUILICI, MANNING, HARRINGTON, COONEY, PAVLOVICH, DAILY, KANDUCH

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE RELATIONSHIP BETWEEN VOLUNTARY FIRE DISTRICTS AND FIRE DEPARTMENTS AND CITY-COUNTY CONSOLIDATED LOCAL GOVERNMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Refer to Second Reading

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(2) No right or benefit of any member of a volunteer

THIRD READING

fire district, company, or department created pursuant to the provisions of parts 21 and 23 of chapter 33 in a retirement or pension plan, or payments provided under 19-12-103 may be abrogated by the adoption of a city-county consolidated local government unless otherwise specifically provided by charter.

SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON ITS PASSAGE AND APPROVAL.

-End-

HOUSE BILL NO. 392

INTRODUCED BY McBRIDE, QUILICI, MANNING, HARRINGTON, COONEY, PAVLOVICH, DAILY, KANDUCH

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE RELATIONSHIP BETWEEN VOLUNTARY FIRE DISTRICTS AND FIRE DEPARTMENTS AND CITY-COUNTY CONSOLIDATED LOCAL GOVERNMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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(Strike everything after the title and insert:)

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Section 1. Volunteer fire districts or companies -- fire departments -- not affected by city-county consolidation. (1) Notwithstanding any other provision of law, the adoption of a city-county consolidated local government has no effect on the existence of a volunteer fire department, a volunteer fire company, or a fire district created and legally in existence pursuant to the provisions of parts 21 and 23 of chapter 33 unless otherwise specifically provided by charter.

(2) No right or benefit of any member of a volunteer

REFERENCE BILL

fire district, company, or department created pursuant to the provisions of parts 21 and 23 of chapter 33 in a retirement or pension plan, or payments provided under 19-12-103 may be abrogated by the adoption of a city-county consolidated local government unless otherwise specifically provided by charter.

SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON ITS PASSAGE AND APPROVAL.

-End-

HOUSE OF REPRESENTATIVES
PROCEEDINGS OF THE
LOCAL GOVERNMENT COMMITTEE
February 7, 1979, 5:00 pm

The meeting was called to order at 5:00 pm by Chairman Hershel Robbins. The secretary called the roll and found a quorum of members present, absent were Representatives Hurwitz, Kemmis, Oberg, South and Waldron.

Chairman Robbins then announced that some members had bills in other committees and would be leaving the meeting and returning during the discussion.

HOUSE BILL 382: Representative Menahan introduced the bill, and then introduced Bill O'Leary of Billings who would speak further for him on the bill. He explained this would make provisions for fire departments that have been in service for a number of years to continue for a certain length of time when an area is annexed. This would allow the private fire departments to continue their service and not have a great loss of revenue immediately, and perhaps make arrangements for selling equipment or service to the cities.

Chairman Robbins then called for Opponents: Ray Blehm, representing the Montana Fire Fighters Association, from Billings Fire Department as well, stated the bill as written would be opposed, and unless the cities picked up the three years annual subscribers cost, there possibly would not be any protection. He gave examples of these companies not providing service to all people in their areas.

Dave Goss of Billings also spoke as an opponent, stating that in areas being annexed, the task of delivering statements to everyone regarding protection and that even though they were annexed they might not have protection unless they were under the private service.

Dan Mizner of the Mont. League of Cities also spoke as an opponent to the bill. He felt rather than pass the bill that the cities could contract with the private companies and allow them to phase out in that manner.

Mr. O'Leary then gave closing remarks for Rep. Menahan. He stated that regarding people under private contracts, some of them have refused any type of protection, however insurance companies are now requiring people to have fire protection. He urged passing the bill.

HB 382 (cont.) There were then questions from the committee members. Rep. Gould inquired of a member of a private fire company if they had ever refused to respond to a fire call in their area, whether the people were a subscriber or not. Mr. O'Leary stated they had responded to a total of 296 calls in the past year and 114 of those were to homes not subscribers. Questions continued, with reference being made to a special fire in Billings where the home was left to burn. It was brought out the private company had protected a home next door that was not a subscriber and yet had let the home burn that was also not a subscriber. Response was that they must have consent of the owner, and it would break the contract with the remainder of the subscribers if the full equipment were committed to fight a fire that was not a subscriber. This discussion continued for some time. Chairman Robbins then suggested that further questions and problems be brought out at the executive session and hearing was closed on HB 382.

HOUSE BILL 392: Representative McBride presented the bill, stating she had amendments that would make a substantial change from the way the bill now reads. She stated this is intended to clarify that volunteer fire departments can remain in existence in incorporated areas. This would take place by allowing them to remain in effect and thus would not effect the retirement rights of the volunteer firemen.

Chairman Robbins then called for proponents. Art Korn of the Volunteer Firemen's Association stated they were in support if the rights of the volunteer firemen would not be in jeopardy. Dave Fisher also of the volunteer firemen's association spoke in support as well. He stated any changes would result in volunteers like himself who were about to retire not being able to receive their pension.

Bob McCarthy, Chief Deputy County Attorney of Butte-Silver Bow also spoke, stating it should be made clear that all rights of the volunteers would remain and they would also continue to exist as volunteers.

Dan Mizner of the League of Cities also spoke in support, stating he would like to see the committee consider the amendments and rewrite the bill.

Richard Ellis representing the volunteer fireman also spoke in favor as did Richard Tretheway of the same group. There were no opponents, and Rep. McBride gave closing remarks, stating the bill would try to maintain the volunteers that were in existence before. Hearing was then closed on HB 392.

Chairman Robbins then turned the meeting over to Vice Chairman Arlyne Reichert for purposes of hearing a bill he is sponsoring.

HOUSE BILL 118: Representative Hershel Robbins of District 46, Roundup, stated the bill would allow for the County Superintendent of Schools office to be consolidated in those areas that desire consolidation, and this is now only in three areas. The bill would not affect other offices. He stated the bill had been entered at the request of the school boards. Rep. Robbins then gave the results of a survey that had been taken of counties having over 25,000 population and there had been a 65% response. The survey included such items as how much time was devoted to actual performance of duties and how much time was spent visiting schools. Response was that 40% of time was spent visitng schools, 10% actual performance of duties. Rep. Robbins also stated letters had been received in favor of the bill, and some stating they didn't feel it had been needed. He then presented amendments which had been offered by the School Board Association and the League of Cities and Towns, as well as his own amendment, all of which are to be considered by the committee. He further explained this would affect the person whose office was consolidated, and that when services were contracted that person would still need to meet qualifications.

Vice Chairman Reichert then called for proponents. Mr. Robbins introduced Lyle Eggum from the Office of Public Instruction who spoke in support of the bill stating this would insure supervision of the teachers by a qualified person.

Dean Zinnecker of the Mont. Association of Counties also spoke in favor stating that it had been difficult in some areas to elect superintendents that had the teacher's qualifications, and stated he did have a minor amendment to offer.

Wilma Cox of the Montana Association of County Treasurers spoke in support of the bill as well.

There were no further proponents and opponents were called. Glennadine Terrell, Lake County Superintendent of Schools spoke, stating the survey didn't address all of the duties of a county superintendent. She stated the job is not just one room school supervision, but is also dealing with the public and they are concerned with the children in the county. They also work with the principals in preparing students for further education.

Margaret Brown of Bozeman then spoke, stating that with a greater work load now in the office, there should be a qualified person. The duties involve special education, and at least 40 teachers under supervision. This could be a difficult position for someone not qualified as there are many special education hearings to be held.

HB 118 cont.

Wallace Vinnidge, Supt. of Flathead, stated they have only 17 teachers and the consolidation might be possible, however he then quoted statutes that deal with the duties of the Supt. of Schools. He stated 20-3-207, MCA, states at least 4 months of time must go into supervision, and 20-3-210, RCM, deals with special duties, and 42-t-18-750 deals with special education. He then went into details of the hearings, stating the county attorney is paid at least $40.00 per hour for a special hearing, of up to 40 to 60 hours annually, and that some hearings can cost at least $2,000, with costs being paid from the county superintendent's office. They also had 9 teachers fired in their district and hearings had to be held for each of these. He stated other school superintendents also come to him for information on special programs. He urged a do not pass on this bill.

Carey Lund also a superintendent, stated they do care, and feel qualified persons should hold the office, noting that they would not be in office if they didn't care.

Leonard Sargent, executive director of the Montana School Boards Association spoke, stating he would like the record to reflect that he had proposed amendments to the bill. He felt the drafters had recognized the importance of having qualified people. His amendments are attached.

There being no further opponents, Rep. Robbins gave closing remarks, stating the bill is directed only at counties that have consolidated their county superintendent with other offices, and that he realized the problem with counties that have many rural schools. He stated some counties do not have the workload that others have. He stated that in counties that have consolidated the contracts have been given to persons that are qualified, at considerable savings to the counties in funds. He then called on Stan Zezotraski, the reasearcher from the council that had drafted the bill to give further explanation. He stated they had prepared the questionaire, that it had gone to counties with less than 25,000 people, and was designed to highlite the duties that might have to be consolidated. He noted that at present except in unusual cases there is not much problem on the special education hearings, but it could in the future be a problem for all counties.

There were then questions from committee members. Rep. Azzara inquired if this couldn't be stated it could be done when it was clearly in the interest of the county. Rep. Vinger inquired if the hearing officer receives additional pay, answer was that they do not. Hearing was then closed on HB 118.

HOUSE BILL 366: Rep. Kessler stated he would like to clarify for members the fact that as amended HB 366 read differently, however the language omitted on second reading copy is still in the statutes, and this may have been misleading.

HOUSE BILL 46: Subcommittee report was given by Rep. Kessler on HB 46. Also present was Debbie Schmidt, researcher, who stated the subcommittee had carefully screened each page of amendments and testimony offered. Proposed amendments were then given to each member and are attached. Rep. Kessler then moved the amendments to HB 46, however members asked to study these prior to voting. Chairman Robbins then announced that on next Saturday HB 46 would be considered.

A meeting was announced for 12:30 pm Thursday, February 8 and 12:30 pm Saturday, February 10. The meeting was then duly adjourned at 8:15 pm.

Hershel M. Robbins, Chairman
LOCAL GOVERNMENT COMMITTEE

Patricia A. Hatfield
Committee Secretary

PROCEEDINGS OF THE
LOCAL GOVERNMENT COMMITTEE
HOUSE OF REPRESENTATIVES
Wednesday, February 14, 1979

The meeting had been set for 5:00 pm or on adjournment for purpose of taking executive action. The meeting was called to order at 7:40 p.m. by Chairman Hershel Robbins upon adjournment of the House of Representatives. The secretary called roll and found a quorum of committee members present, ten members present, others were excused for other meetings.

HOUSE BILL 392: Rep. McBride stated this would clarify the relationship between city-county governments and fire districts. It was then moved by Rep. McBride to amend the bill on page 1, line 20 and 22 to include "consolidated local governments, as well as on line 12. Vote was called and all present voted "aye". Rep. Vinger entered his vote as yes. Motion carried. Rep. McBride then moved to pass as amended on HB 392, vote was called and all present voted "aye" and votes left were read. Motion carried.

HOUSE BILL 399: It was noted this bill would put the coroners under the same salary range on July 1 as other positions. It was then moved by Rep. Donaldson that HB 399 do pass, vote was called and all voted "aye" and motion carried.

HOUSE BILL 439: There was no discussion on this bill allowing dispensing with a primary in areas under 10,000. It was then moved by Rep. Reichert that HB 439 do pass. Vote was called and all present voted "aye", with votes left with committee being read, and Rep. McBride abstaining. Motion carried that HB 439 do pass.

HOUSE BILL 488: This bill would allow interest on fire accounts to be credited to the departments. There was no further discussion and it was moved by Rep. Kemmis that HB 488 do pass. Vote was called, with votes of those absent being read, motion carried with all present voting "aye".

HOUSE BILL 535: It was moved by Rep. Donaldson that this bill be passed for the day and considered later.

HOUSE BILL 559: Rep. Pistoria moved that HB 559 do pass. Rep. Donaldson then stated he didn't like the idea of an automatic fee going to a private association and felt the dues should be paid through the county commission and not automatic. Rep. Oberg stated the bill doesn't show what the dues are and perhaps this should be clarified. There was a short discussion of possible amendment to this fact.

HB 559 (cont.)
Other members felt there should be local control and that the school boards pay from their funds to the school association and this could be the same. The motion of Rep. Pistoria was then withdrawn and the bill was passed for the day.

HOUSE BILL 467: This bill would increase the amount raised by taxes to control fire activities. It was then moved by Rep. Bertelsen that HB 467 do pass, second by McBride. It was then stated this was Rep. Hurwitz bill and he was not present and perhaps it should be held. The motion was then withdrawn and the bill was passed for the day.

HOUSE BILL 387 and 565 were also held for the day at request of members.

HOUSE BILL 554: This bill dealt with alternative energy districts. It was moved by Rep. Kessler that HB 554 do pass. Rep. Pistoria objected, stating a small community facility would be out of power more than they would have it to provide, and felt they weren't ready to handle this as yet. Rep. McBride called question, vote was called and the motion carried with vote of those present 6 to 4. Rep. Gould, Bertelsen, Pistoria and Donaldson voting "no". HB 554 was given do pass.

HOUSE BILL 610: Rep. McBride stated someone had wondered why HB 610 did not include $12.00 per day for section 2. It was stated that coroners inquests do not last long and this would be overpayment. There was further discussion that the average wage is $25 per day. Rep. Gould inquired if this could be amended to say the minimum wage and it would not have to come back each session. Rep. Kessler suggested amending the $12.00 up to three or four hours and to make it $24 after that period of time. It was then moved by Rep. Azzara that the bill be passed for the day and vote carried.

HOUSE BILL 612: This bill related to counties bidding purchases. Rep. Donaldson moved do not pass. Rep. Kessler then moved to table. Vote was called and all voted "aye" that HB 612 be tabled.

There being no further business, the meeting was duly adjourned at 8:15 pm.

Hershel M. Robbins, Chairman
LOCAL GOVERNMENT COMMITTEE

Patricia A. Hatfield
Committee Secretary

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 6, 1979

The meeting of the Local Government Committee was called to order by Chairman George McCallum at 12:40 in Room 405 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senators Lockrem and Watt.

Dennis Taylor, staff researcher, was also present.

Many visitors were in attendance. (See attachment.)

CONSIDERATION OF HOUSE BILL 276: Representative Ralph Eudaily, of District 100, chief sponsor of House Bill 276, gave a brief resume. This bill is an act to consolidate the provisions relating to the fixing of municipal salaries; permitting the fixing of salaries by ordinance or resolution; and deleting the provision that a municipal officer may not receive an increase or decrease in pay during a term of office. This bill would make legal what many local governments have been doing illegally for a number of years because of conflicts and confusion within the statutes.

Bill Cregg, Missoula Mayor, spoke on the point of not being able to raise salaries during the term of office. Mr. Cregg stated his support of the bill.

Dan Mizner, of the League of Cities and Towns, stated his group's support of the bill. Mr. Mizner reported that 75 or 80 towns have very strong feelings about this.

Jim Jensen, representing the Montana Magistrates Association, stood in support of the bill.

With no further proponents Senator McCallum called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee. There were no questions or discussion from the Committee.

DISPOSITION OF HOUSE BILL 276: A motion was made by Senator Conover to give House Bill 276 a recommendation of "BE CONCURRED IN" from the Committee. Motion carried unanimously.

CONSIDERATION OF HOUSE BILL 327: In the absence of Representative Jay Fabrega, chief sponsor of HB 327, Dean Zinnecker, of the Montana Association of Counties, presented the bill. This bill is an act to amend section 15-8-104, MCA; eliminating the requirement that a county pay for audits conducted by the Department of Revenue, and providing that the costs of an audit

be paid by the department; and providing an immediate effective date. At the present time, counties are responsible for paying the Department of Revenue costs for conducting audits to determine taxable value of selected items. The Constitution states this function to be a responsibility of the State. The counties do not request the audits and the audit financing should be included as part of the overall State responsibility. Counties have no way to budget or control the costs. The fiscal analyst report shows that the fiscal effect would be around $1100.

There were no proponents or opponents to the bill. There were no questions from the Committee.

DISPOSITION OF HOUSE BILL 327: A motion was made by Senator O'Hara to give House Bill 327 a recommendation of "BE CONCURRED IN" from the Committee. Motion carried unanimously.

CONSIDERATION OF HOUSE BILL 341: Representative Harold Gerke, of District 62, sponsor of House Bill 341, gave a brief resume on the bill. This bill is an act to delete the requirement that claims against the county be certified. This bill just deletes the requirement of claims having to be certified. This has been requested by the Legislative Audit Committee. Representative Gerke presented a sample claim to the Committee. (See attachment.)

Mr. Jim Northerly, of the Legislative Audit Committee, reported that there are other sections in the codes which cover criminal penalties for falsification of claims.

There were no proponents or opponents to House Bill 341. The meeting was opened to a question and answer period from the Committee. Some discussion was held.

DISPOSITION OF HOUSE BILL 341: A motion was made by Senator Thomas that House Bill 341 be given the recommendation of "BE CONCURRED IN" from the Committee. Motion carried unanimously.

CONSIDERATION OF HOUSE BILL 361: Representative Ernie Dassinger, of District 50, chief sponsor of the bill, gave a brief resume. This bill is an act to amend section 7-4-2108, MCA, to increase the expenses allowed a member of a board of county commissioners who resides 50 miles or more from the county seat and performs official duties in the county seat.

This bill attempts to allow the commissioners the same amount as the legislators receive when they are away from home on official business.

Dean Zinnecker, of the Montana Association of Counties, stated his support of the bill and said that he felt this would save the counties money in the long run.

There were no opponents to House Bill 361.

The meeting was opened to a question and answer period from the Committee.

DISPOSITION OF HOUSE BILL 361: A motion was made by Senator Rasmussen that House Bill 361 receive a "BE CONCURRED IN" recommendation from the Committee. Motion carried unanimously.

CONSIDERATION OF HOUSE BILL 610: In the absence of Representative James Azzara, of District 96, Jim Jensen, of the Montana Magistrates Association, presented the bill. This bill is an act to increase juror's fees in courts not of record. This bill would raise from $7.50 to $12 per day the amount recieved by jurors of courts not of record. This is just for justice of the peace courts. The amount was established at the present rate in the 1950's, other court juror's fees were raised during the last Legislature.

There were no proponents or opponents to the bill. The meeting was opened to a question and answer period from the Committee. Discussion was held.

DISPOSITION OF HOUSE BILL 610: A motion was made by Senator Peterson to give a "BE CONCURRED IN" recommendation from the Committee. Motion carried unanimously.

CONSIDERATION OF HOUSE BILL 392: Representative Kathleen McBride, of District 85, chief sponsor of the bill, gave a brief resume. This bill is an act to clarify the relationship between voluntary fire districts and fire departments and city-county consolidated local governments and providing an immediate effective date. Representative McBride stated this bill is merely a clarifying of the laws and removes the problems that occur without it.

Art Korn, secretary-treasurer of the Montana State Volunteer Firemen's Association, stated his group's support of the bill and urged passage of House Bill 392. Mr. Korn stated that this bill can be termed a mere house cleaning bill, to clarify uncertainty in the law arising out of certain consolidations of the city and county government which have occured recently. Mr. Korn offered an amendment and written testimony. (See attachment.)

Dave Fisher, representing the Montana State Volunteer Firemen, stated his support of the bill.

Richard Tretheway, Fire Coordinator for Butte - Silver Bow, stood in support of the bill.

DISPOSITION OF HOUSE BILL 392: A motion was made by Senator Peterson that House Bill 392 receive a "BE CONCURRED IN" recommendation from the Committee. Motion carried unanimously.

CONSIDERATION OF HOUSE BILL 644: Representative Chris Stobie, of District 23, chief sponsor of HB 644, gave a brief resume. This bill is an act requiring the board of county commissioners to set county surveyor's fees by resolution. This fee is presently set by law.

There were no proponents or opponents to the bill.

DISPOSITION OF HOUSE BILL 644: A motion was made by Senator Story to give House Bill 644 a recommendation of "BE CONCURRED IN" from the Committee. Motion carried unanimously. Senator McCallum offered to carry the bill on the floor.

CONSIDERATION OF HOUSE BILL 559: In the absence of Representative George Johnston, of District 13, chief sponsor of the bill, John Bell gave a brief resume of the bill. This bill is an act to increase from $2 to $4 the fee a sheriff may charge for service of summons and complaint on each defendant; to provide that up to 25% of such fees collected shall be used to pay the sheriff's annual dues in the Sheriffs' and Peace Officers' Association and the remaining 75% of such fees shall be credited to the county's general fund. Mr. Bell stated that this is not tax money, only fee money. Mr. Bell showed a magazine which the sheriffs sell ads in for a source of revenue. The sheriffs do not like to take money from the Main Street Merchants.

Dale Dye, president of the Montana Sheriffs' and Peace Officers' Association, stated his support of the bill. Mr. Dye stated that this bill would allow the counties to pay the sheriff and deputies dues to the Association. These have always been funded through the sale of ads in their magazine. Mr. Dye stated that he feels the present method of funding this is degrading to the law enforcement program. The Sheriffs' and Peace Officers' Association funds the Yellowstone Boys' Ranch, Montana Teletype System, a Memorial Scholarship fund, and also the dog compound at Belt. This will increase the county general fund.

With no further proponents, McCallum called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

DISPOSITION OF HOUSE BILL 559: A motion was made by Senator O'Hara to give House Bill 559 a recommendation of "BE CONCURRED IN" from the Committee. Motion carried unanimously.

ADJOURN: With no further business the meeting was adjourned at 1:30. The next meeting will be held on Thursday, March 8, at 12:30 to consider House Bills 54, 399, 494, 498, 488, 442, and 476.

George McCallum

CHAIRMAN, Senator George McCallum

Date Mar 6

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
GEORGE MCCALLUM, CHAIRMAN	✓		
LLOYD LOCKREN, VICE CHAIRMAN			✓
MAX CONOVER	✓		
JESSE A. O'HARA	✓		
BOB PETERSON	✓		
A. T. (TOM) RASMUSSEN	✓		
PETE STORY	✓		
BILL THOMAS	✓		
ROBERT D. WATT			✓

Each Day Attach to Minutes.

SENATE

STANDING COMMITTEE REPORT

March 6 19 79

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 644

Stobie (McCallum)

Respectfully report as follows: That House Bill No. 644

DO PASS BE CONCURRED IN

George McCallum
Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

March 6 19 73

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 610

Azzara (Peterson)

Respectfully report as follows: That House Bill No. 610

X DO PASS ~~X~~ BE CONCURRED IN

George McCallum Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

March 6 19 79

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 559

Johnston (O'Hara)

Respectfully report as follows: That House Bill No. 559

DO PASS X BE CONCURRED IN

Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

March 6 19 79

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 392

McBride (Peterson)

Respectfully report as follows: That House Bill No. 392

DO PASS ~~DO NOT PASS~~ BE CONCURRED IN

George McCallum Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

March 6 19 79

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 361

Dassinger (Rasmussen)

Respectfully report as follows: That House Bill No. 361

~~DO PASS~~ BE CONCURRED IN

George McCallum Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

March 6 19 79

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 341

Gerke (Thomas)

Respectfully report as follows: That House Bill No. 341

DO PASS ~~XXXXXX~~ BE CONCURRED IN

George McCallum Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

March 6 19 79

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 327

Fabrega (O'Hara)

Respectfully report as follows: That House Bill No. 327

DO PASS: BE CONCURRED IN

George McCallum Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

March 6 19 79

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 276

Eudaily (Conover)

Respectfully report as follows: That House Bill No. 276

~~XXDOPASSA~~ BE CONCURRED IN

George McCallum Chairman.

STATE PUB. CO.
Helena, Mont.

SENATE _____ COMMITTEE

BILL _____ VISITORS' REGISTER DATE _____

Please note bill no.

NAME	REPRESENTING	BILL #	(check one) SUPPORT	OPP
[illegible]	[illegible]	[illegible]	X	
[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	
ART KOTZ	[illegible]	392	[illegible]	
Dave Fisher	Mont State Vol. Firemen	H.B 392	X	
[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

NAME: Dan Wrazien DATE: Mar 6 '90

ADDRESS: Helena

PHONE: 442-8765

REPRESENTING WHOM? Mont Chamber Assoc

APPEARING ON WHICH PROPOSAL: HB 276

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Dave Fratlen DATE: 3/6/79

ADDRESS: 1908 S. Wood St. Butte, Mont.

PHONE: 792-8858

REPRESENTING WHOM? Montana Vol Firemen Ass.

APPEARING ON WHICH PROPOSAL: H.B. 391

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: [illegible] DATE: [illegible]

ADDRESS: Kanabec County

PHONE: 362-[illegible]

REPRESENTING WHOM? Most Counties + Cities

APPEARING ON WHICH PROPOSAL: HF559

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: This Bill would help counties

to pay the freight. Counties have no revenue

Thank you

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: [illegible] DATE: [illegible]

ADDRESS: [illegible]

PHONE: 723-4691

REPRESENTING WHOM? Mont State Vol. Firefighters Assoc

APPEARING ON WHICH PROPOSAL: HB 392

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: [illegible]

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Richard Fairbourn DATE: 2-5-97

ADDRESS: 1048 So. Ninth #1

PHONE: 782-7295

REPRESENTING WHOM? Butte Silver Bows

APPEARING ON WHICH PROPOSAL: H-B-392

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

Richard Fairbourn

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Bill Lucia DATE: 3-6-07

ADDRESS: 530 McLeod

PHONE: 721-4700

REPRESENTING WHOM? City of Missoula

APPEARING ON WHICH PROPOSAL: HB 536

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jim Jensen DATE: _____

ADDRESS: 411 No Rodney

PHONE: 443-2825

REPRESENTING WHOM? MT. MAGISTRATES ASSN.

APPEARING ON WHICH PROPOSAL: HB 610

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: _____ DATE: _____

ADDRESS: _____

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NORTHCENTRAL MONTANA COMMUNITY MENTAL HEALTH CENTER

P.O. Box 2717 – Holiday Village Shopping Center
Great Falls, Montana 59403

DATE ORDERED
DATE REQUIRED
SHIP VIA

VENDOR			SHIP TO		
ADDRESS			ADDRESS		
CITY	STATE	ZIP	CITY	STATE	ZIP

TO INSURE PROMPT PAYMENT, ALL BILLS MUST BE IN THE TREASURER'S OFFICE ON OR BEFORE THE LAST MONDAY OF EACH MONTH. ALL BILLS MUST BE ACCOMPANIED BY CLAIM FORM ATTACHED.

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	Sample		
		TOTAL	

I CERTIFY THAT THIS CLAIM IS CORRECT AND JUST IN ALL RESPECTS, AND THAT PAYMENT OR CREDIT HAS NOT BEEN RECEIVED.

FIRM NAME BY

SIGNATURE TITLE

Calvin Carter — Laurel — President
Ed Mitch — Cut Bank — Vice-Pres. at Large
Arthur J. Korn — Boulevard — Secretary-Treasurer

Keith Price — [illegible] — Vice-Pres. — Dist. #
Lloyd Greenup — Hamilton — Vice-Pres. — Dist. #
Gary Gray — Belt — Vice-Pres. — Dist. #3
Jim Balke — Belgrade — Vice-Pres. — Dist. #4
Ben Crowder — Malta — Vice-Pres. — Dist. #
Lyle Storts — Roundup — Vice-Pres. — Dist. #
Bob Benson — Wolf Point — Vice-Pres. — Dist. #
Arlin Anderson — Plevna — Vice-Pres. — Dist. #

Montana State Volunteer Firemen's Association

From the Office of
ARTHUR J. KORN, Secty-Treas.
1916 So. Washington St.
Butte, Montana 59701

February 23, 1979

The Montana State Volunteer Firemen's Association supports and urges passage of House Bill 392 with the amendments attached. This bill can be termed a mere house cleaning bill, to clarify uncertainty in the law arising out of certain consolidations of city and county government which have occurred recently.

An example is the consolidation of the governments of the City of Butte and Silver Bow County. In that case, the consolidation was accomplished by adoption of a charter, and the proponents of the charter assured volunteer firemen that the operation of volunteer fire departments and the rights of volunteer firemen, including such things as pension rights of volunteer firemen, insurance, worker's compensation, etc., would not be affected. It was recognized that continuation of volunteer fire departments is an effective means of continuing competent fire protection at an economical cost.

The Butte-Silver Bow Charter provides: "Section 7.03-Fire Departments.

"(d) Except as otherwise provided by this charter of until changed by ordinance, the organization of existing volunteer fire departments within the county shall be governed by the applicable sections of state law.

"(e) The disability, death, insurance and pension benefits of volunteer firemen shall continue to exist according to Sections 11-2022, 11-2023 and 16-5115.3 (5) and (6) of the revised Codes of Montana, 1947, which provides in part that this unit of local government shall have the status of a county: however, the council of commissioners may establish by ordinance an additional pension or retirement system."

However, the question has been raised that regardless of provisions of the Butte-Silver Bow Charter, or the appropriate provisions of other documents establishing a city-county consolidation, the newly consolidated area constitutes and incorporated area and therefore no longer falls within the provisions of Parts 21 and 23, Chapter 33, Title 7 of the Montana Codes, which refers to "unincorporated" areas. The proposed amendment would carry out the intention of the consolidator and would preserve the operation of volunteer fire departments and the rights of volunteer firemen by making clear that for the purpose of Parts 21 and 23, the term "unincorporated " is expanded to include

areas formerly unincorporated but which now may be deemed incorporated by reason of consolidation of cities and counties.

We believe that this amendment would merely clarify existing law and that it would not involve any additional expense of appropriation. We submit that the amendment deserves to be supported and ask for a do pass.

Art Korn

Arthur J. Korn, Secretary.

MACO

MONTANA ASSOCIATION OF COUNTIES

HB 327

DEPARTMENT OF REVENUE AUDITS

At the present time, counties are responsible for paying the Department of Revenue costs for conducting audits to determine taxable value of selected items. The Constitution - Article VIII, Section 3 - states this function to be a responsibility of the State. The counties do not request the audits and the audit financing should be included as part of the overall state responsibility.

Counties have no way to budget cost!

Counties have no control over costs!

Fiscal Analyst report shows $1100 as the fiscal effect.

Counties, cities, schools and the state all benefit from the audits.